

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code section 249A.4 and 2009 Iowa Acts, House File 811, section 32, the Department of Human Services amends Chapter 82, “Intermediate Care Facilities for the Mentally Retarded,” Iowa Administrative Code.

These amendments:

- Reflect the change to a 3 percent inflation factor for reimbursement of intermediate care facilities for the mentally retarded in state fiscal year 2010 that was mandated by 2009 Iowa Acts, House File 811, section 32(10); and
- Make technical changes to update the chapter to current Iowa Medicaid organization and terminology.

The inflation factor has historically been the percent change from December to December of the Consumer Price Index for all urban consumers, U.S. city average (CPI-U). For state fiscal year 2010, the CPI-U factor is 0.1 percent. Computing reimbursement using this factor would essentially freeze ICF/MR reimbursement rates for state fiscal year 2010. With a 3 percent inflation factor, the estimated average per diem reimbursement rate increases from \$386 per day to \$397 per day, for a total statewide increase in reimbursement of \$8.8 million for state fiscal year 2010. Costs to the state are estimated at \$0.9 million, and costs to county governments are estimated at \$1.6 million.

These amendments do not provide for waivers in specified situations, since an increase in reimbursement is a benefit to providers. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

These amendments were Adopted and Filed Without Notice and were published in the Iowa Administrative Bulletin on October 7, 2009, as **ARC 8207B**. Notice of Intended Action to solicit comment on these amendments was published in the Iowa Administrative Bulletin on the same date as **ARC 8208B**. The Department received no comments on the Notice of Intended Action. These amendments are identical to those Adopted and Filed Without Notice and published under Notice of Intended Action.

The Council on Human Services adopted these amendments on December 9, 2009.

These amendments are intended to implement Iowa Code section 249A.4 and 2009 Iowa Acts, House File 811, section 32(10).

These amendments will become effective on February 17, 2010, at which time the amendments that were Adopted and Filed Without Notice are rescinded.

EDITOR’S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [82.5, 82.7 to 82.12] is being omitted. These amendments are identical to those published under Notice as **ARC 8208B** and Adopted and Filed Without Notice as **ARC 8207B**, IAB 10/7/09.

[Filed 12/11/09, effective 2/17/10]

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[For replacement pages for IAC, see IAC Supplement 1/13/10.]